

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYNN WOODS,

Plaintiff,

v.

CHRISTOPHER SMITH, et al.,

Defendants.

No. 2:22-cv-00640-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANT SMITH'S MOTION TO  
DISMISS PLAINTIFF'S CLAIM BROUGHT  
AGAINST HIM

(Doc. Nos. 28, 39)

Plaintiff Lynn Woods is a state prisoner proceedings *pro se* and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 13, 2024, the assigned magistrate judge issued findings and recommendations recommending that defendant Christopher Smith's motion to dismiss plaintiff's claim brought against him (Doc. No. 28) be granted. (Doc. No. 39.) Specifically, the magistrate judge concluded that, while plaintiff's claim brought against defendant Smith was not time-barred, plaintiff had failed to sufficiently allege that defendant Smith either directly participated in the alleged constitutional violations or had actual knowledge of the alleged violations and failed to prevent them. (*Id.* at 3–7.) The magistrate judge also concluded that leave to amend would be futile given that plaintiff had been unable to adequately plead a claim against defendant

1 Smith despite filing multiple amended complaints. (*Id.* at 7–8.)

2 Those findings and recommendations were served on the parties and contained notice that  
3 any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 9.) No  
4 party filed any objections to the pending findings and recommendations, and the time to do so has  
5 passed.

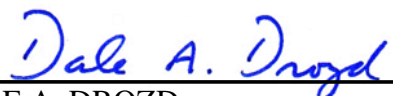
6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the  
7 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
8 court concludes that the findings and recommendations are supported by the record and proper  
9 analysis.<sup>1</sup>

10 Accordingly:

- 11 1. The findings and recommendations issued on February 13, 2024 (Doc. No. 39) are  
12 adopted;
- 13 2. Defendant Christopher Smith’s motion to dismiss plaintiff’s claim brought against  
14 him (Doc. No. 28) is granted;
- 15 3. Plaintiff’s claim brought against defendant Smith is dismissed without further  
16 leave to amend;
- 17 4. Defendant Christopher Smith is dismissed from this action;
- 18 5. The Clerk of the Court is directed to update the docket to reflect that defendant  
19 Christopher Smith has been terminated as a named defendant in this action; and
- 20 6. This action is referred back to the assigned magistrate judge for further  
21 proceedings.

22 IT IS SO ORDERED.

23 Dated: March 25, 2024

24   
25 DALE A. DROZD  
26 UNITED STATES DISTRICT JUDGE

27 <sup>1</sup> The court does decline to adopt the sentence in the pending findings and recommendations  
28 which attributes a quotation to the Ninth Circuit’s decision in *Peralta v. Dillard*, 744 F.3d 1076  
(9th Cir. 2014). (*See* Doc. No. 39 at 7.) The court has not located the quoted language in the  
cited decision.